

TAB C

DANIEL P. LIEBER

VS

MARQUIS MANAGEMENT

Docket No. 1:21-cv-968-JL

CHRISTOPHER MOORE

December 12, 2022



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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

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DEPOSITION OF CHRISTOPHER MOORE

Zoom deposition taken by agreement of counsel on
Monday, December 12, 2022, commencing at 9:25 a.m.

Court Reporter: (Via Zoom)

Michele M. Allison, LCR, RPR, CRR
LCR #93 (RSA 310-A:161-181)

1 at Marquis Management, but not at any of the other companies
2 in the Marquis family of companies?

3 A. That is correct, yes.

4 Q. Okay. So you became the sole controller in the
5 Marquis family of companies. And when did that happen?

6 A. I believe that was September of 2018.

7 Q. Okay. And so what was the top-level financial
8 position at each of the other companies in the Marquis family
9 of companies from September of 2018 forward?

10 A. Can you repeat that?

11 Q. Sure. What was the top-level financial position --
12 I'm asking for a job title -- for the top-level financial
13 person in each of the companies in the Marquis family of
14 companies from September of 2018 forward?

15 A. It's confusing. Are you asking who is the top
16 level at the other --

17 Q. At each company. At all the other companies.
18 Other than Marquis Management, LLC, once you became the only
19 controller in the company, what was the title of the
20 top-level financial person in each of the other companies in
21 the Marquis family of companies?

22 A. Select Demo would have had an accounting manager
23 that was employed by Select Demo. And I had two accounting

1 managers below me at Marquis Management.

2 Q. Okay. But what about at all the other companies?

3 I mean, how many companies are there in the Marquis family of
4 companies?

5 MS. ZACCARDELLI: Objection to form.

6 A. During which time frame?

7 Q. From September of 2018 through today.

8 A. Well, we've grown significantly since -- during
9 that time period.

10 Q. Meaning -- meaning, you've added additional
11 companies beyond those which existed in September of 2018?

12 A. That is correct.

13 Q. Okay. So who were the companies that existed in
14 September of 2018?

15 A. I don't recall the exact dates of when we added
16 companies.

17 Q. Okay. What's the total number of -- the names of
18 all the companies that exist as of today, as we sit here
19 today? Who are the companies in the Marquis family of
20 companies?

21 A. Are you asking me to name all the companies?

22 Q. Yes.

23 A. It's New England Finish Systems of New England.

1 New England Finish Systems. We have New England Glass and
2 Finishing. Select Demo Services. Allan Construction.
3 Specialty Services of New England. K-Town Disposal. Marquis
4 Management. Select Spray Systems. Select Paint & Finishes.
5 Finish Installation of New England. Select Tile, Marble &
6 Flooring. Advanced Exteriors & Glazing of New England.
7 Currently.

8 Q. Okay. So for each of those entities that you just
9 described, what's the top-level financial position? What's
10 the job title for the top-level financial position for each
11 of those companies?

12 MS. ZACCARDELLI: Objection to form.

13 Q. Is it accounting manager?

14 A. That would be me, as the chief financial officer.

15 Q. Okay. But you're not the chief financial -- are
16 you the chief financial officer for New England Finish
17 Systems?

18 A. No.

19 Q. Okay. I thought you were the chief financial
20 officer for Marquis Management, LLC.

21 A. Yes, Marquis Management. Accounting is a shared
22 service. Shared amongst all the companies.

23 Q. Okay. And what other shared services do the

1 Marquis family of companies have?

2 A. Accounting, IT, human resources, payroll,
3 purchasing, and development, and safety.

4 Q. Okay. So there aren't -- there aren't human
5 resources people in each of the individual companies in the
6 Marquis family of companies, correct?

7 A. That is correct, yes.

8 Q. Okay. So the only people who hold human resources
9 positions are people employed by Marquis Management, LLC,
10 correct?

11 A. Correct.

12 Q. Okay. And so Scott Watkins is responsible for
13 human resources for each of the companies in the Marquis
14 family of companies, correct?

15 MS. ZACCARDELLI: Objection to form. You can
16 answer.

17 A. That is correct.

18 Q. Okay. How many employees are employed by all of
19 the Marquis family of companies that you just recited to us?
20 Like, what's the total number of employees for all those
21 entities?

22 A. It varies on seasonality.

23 Q. Okay. In the construction season, how many

1 employees does the company employ in total?

2 A. Roughly, 1300. Roughly.

3 Q. 1300, including every one of those companies?

4 New England Finish, New England Glass, Select Demo, Allan's,
5 Specialty Services, K-Town, for that entire list, the total
6 number of employees is 1300?

7 A. That's including the fieldworkers, correct.

8 Q. Okay. And who works in human resources of Marquis
9 Management?

10 A. Currently, it's Scott Watkins and Nikolina Gobron.

11 Q. And is that -- those are the only two people who
12 work in human resources?

13 A. Nicole Livingston also works in human resources.

14 Q. Okay. What's Nicole Livingston's title?

15 A. I'm not sure of her title.

16 Q. What's Nikolina's title?

17 A. I'm not sure of the exact title.

18 Q. Okay. And what's Scott Watkins' title?

19 A. He's the director of human resources.

20 Q. Okay. So there's three people involved in human
21 resources for 1300 employees; is that correct?

22 A. That's correct.

23 MS. ZACCARDELLI: Objection to form.

1 concerning to you?

2 MS. ZACCARDELLI: Object to the form.

3 A. Sure, but we'd come up with a plan for business
4 continuity.

5 Q. Okay. So you -- are you telling me that the plan
6 that you came up with started on November 19th, 2020, and
7 went forward from there?

8 A. No, it did not. Am I allowed to take a break?

9 Q. No, not now. Not now. We're just going to finish
10 where we're going.

11 A. Sorry.

12 Q. So you're telling me that the plan didn't start on
13 November 19th, 2020, for replacing the CIO?

14 A. No, Mr. Marquis -- Jon Marquis made the decision a
15 couple weeks before, and we tried to have a plan in place
16 to -- how we would replace the CIO of the company.

17 Q. Wait. How do you know that he made the decision a
18 couple of weeks before?

19 A. He called me via telephone.

20 Q. When did Jon Marquis call you by telephone?

21 A. It was -- I don't recall. It was in November.

22 Q. Did you take notes of your phone call with him?

23 A. I did not.

1 Q. Okay. And what did he tell you during the phone
2 call?

3 A. All I remember is that he made the decision that he
4 wants to terminate Dan Lieber, and that he was going to come
5 down on November 19th to discuss with the managers.

6 Q. What did you say?

7 A. "Okay."

8 Q. Did he tell you why during the phone call that you
9 say he had with you a couple weeks before November 19th?

10 A. I don't recall the -- I don't recall the details of
11 the conversation.

12 Q. Okay. So I take it at no time did you try to do
13 anything to stand in the way of the termination of Dan
14 Lieber; is that correct?

15 A. Can you repeat that?

16 Q. Did you ever do anything to stand in the way of the
17 decision to terminate Dan Lieber?

18 A. I did not, no.

19 Q. And why didn't you?

20 A. The decision had been made by Jon Marquis, and that
21 was the decision that he made.

22 Q. Did you care whether or not the decision to
23 terminate Dan Lieber was unlawful or lawful?

1 A. Correct.

2 Q. Okay. Which is actually, really, a three-month
3 period of time. So sometime within three months of Dan's
4 termination, he told you that Beth Anne had difficulty
5 walking on stairs, correct?

6 A. At some point during that time, yes.

7 Q. Okay. Was there a particular reason that he came
8 to you and told you that she had difficulty walking on
9 stairs?

10 A. This would have came up when we were discussing the
11 IT office at 40 Lowell. It was --

12 Q. Okay. You and Dan were?

13 A. Dan and I discussed having an IT presence at 40
14 Lowell Road, yes.

15 Q. Okay. So tell me everything you remember about the
16 discussion between you and Dan about having an IT office at
17 40 Lowell Road.

18 A. I asked Dan that it would be -- I think it would be
19 a good idea to just have some help desk support at 40 Lowell,
20 just for, you know, simple things. People's monitors, you
21 know, crash out, or they need replacement parts or just, you
22 know, day-to-day things. I think it would be nice to have
23 somebody -- you know, help desk support at 40 Lowell, if

1 there was room to have them.

2 Q. Okay. And what did Dan say?

3 A. Dan thought -- Dan agreed.

4 Q. Wasn't there already an IT -- a small IT office on
5 the first floor of 40 Lowell Road by the fall of 2020?

6 A. I'm not sure if we ever had -- ever had an IT
7 office there.

8 Q. Okay. So you're telling me that it was your idea
9 to have an IT office at 40 Lowell Road?

10 A. Yes.

11 Q. Okay. And so that -- so then what -- why did a
12 discussion of the IT office at 40 Lowell Road cause Dan to
13 talk to you about Beth Anne Collopy having difficulty with
14 stairs?

15 A. Because the -- the IT office was located on the
16 first floor, and operations made a decision that we would
17 hire a new PM for a new position that needed that office, and
18 that the IT office would have to be moved, and the suggestion
19 was that it be moved to the second floor.

20 Q. And did Dan come and speak with you when he learned
21 that the plan was to move IT to the second floor?

22 A. I believe he called me at some point.

23 Q. Okay. And what did he say when he called you?

1 IT office at 40 Lowell Road even though you were the one that
2 thought that there should be an IT office/help desk at 40
3 Lowell Road?

4 A. There wasn't -- there was no space for it.

5 Q. You mean no space for it on the first floor?

6 A. Correct.

7 Q. Okay. So if Beth Anne Collopy had to go to 40
8 Lowell Road to give help desk assistance, what would she do?

9 A. Beth Anne would not need to go to 40 Lowell to give
10 anyone assistance.

11 Q. So IT never -- no one from IT ever went into 40
12 Lowell Road again after the decision was made that there
13 would no longer be an IT office at 40 Lowell Road?

14 MS. ZACCARDELLI: Objection to form.

15 A. IT did come over to 40 Lowell.

16 Q. So you're telling me that IT came over, but not
17 Beth Anne Collopy?

18 A. To my knowledge, yes.

19 Q. Well, why is that? Why did some people from IT go
20 to 40 Lowell Road, but Beth Anne Collopy did not?

21 A. IT would come over to 40 Lowell if something needed
22 to be fixed or replaced.

23 Q. But you're telling me that Beth Anne Collopy

1 to manager of help desk?

2 A. I would have given Dan the discretion to do that,
3 but again, I didn't know Beth Anne. He would have had to run
4 that decision by me.

5 Q. Okay. Looking at paragraph 21, did you know that
6 Beth Anne Collopy wore leg braces?

7 A. I don't recall, no.

8 Q. Did you know that she could not walk up or down
9 stairs safely beyond a single stair with handrails?

10 A. Only after I learned that from Dan.

11 Q. Okay. So you were aware, because Dan Lieber told
12 you, correct?

13 A. Correct.

14 Q. Okay. And then paragraph 22 says: On or about
15 November 23rd, 2020, Dan Lieber's immediate supervisor, Chris
16 Moore, and Ryan Dogil, planning director for Select Demo,
17 stated that the IT support services area for 40 Lowell Road
18 would be moved to a second-floor cubicle space from the
19 existing very first -- small first floor secure and
20 accessible office.

21 Is that true?

22 MS. ZACCARDELLI: Objection to form.

23 A. Yeah, I don't recall saying -- yes, we did say that

1 we were going to move it to the second floor.

2 Q. Okay. And is it true that there's no elevator at
3 40 Lowell Road?

4 A. That is correct.

5 Q. Okay. Is it true that you proposed that as an
6 accommodation, Beth Anne Collopy could use a shared
7 conference room on the first floor of the office at 40 Lowell
8 Road, or be prohibited from entering the building?

9 MS. ZACCARDELLI: Objection to the form.

10 A. I did not prohibit her from entering the building,
11 but as a reasonable accommodation, I said if she needed to
12 have a private conversation, she could use the conference
13 room on the first floor.

14 Q. Okay. And did Dan Lieber have a discussion with
15 you that day as described here at paragraph 24?

16 MS. ZACCARDELLI: Well, you should let the witness
17 read the entire paragraph.

18 Q. Go ahead, Mr. Moore.

19 A. Paragraph 24? Is that what you want me to read?

20 Q. Yes. And it goes onto the next page. I might have
21 to scroll down a little bit at the end, so let me know when
22 you've read it.

23 A. Thank you. (Witness peruses document.) You can

1 power or an accessible monitor or keyboard, physical network
2 access, phone setup, secure work area, private work area, or
3 technical supplies.

4 Are those issues that Dan raised to you?

5 A. Yes.

6 Q. And what did you say in response?

7 A. I said, Dan, that's not true. It has all of that,
8 in that room.

9 Q. I'm sorry, you're telling me that the conference
10 room that you were proposing that Beth Anne use did have
11 accessible power; is that what you told him?

12 A. Yes.

13 Q. And you told him that it did have an accessible
14 monitor and keyboard?

15 A. I'm not sure of all the specifics that he brought
16 up. I know I told him that it was -- it had everything that
17 someone would need to conduct a meeting.

18 Q. Okay. Did you know if it had things that a
19 disabled employee would need to do work in that room?

20 A. I'm not sure I understand the question, sorry.

21 Q. Okay. You didn't know one way or the other whether
22 or not it had equipment that was suitable for a disabled
23 employee; is that correct?

1 A. It was more, we were just trying to get to know
2 each other, background is. You know, she did bring up the
3 ADA, some of the ADA stuff. And, you know, I told her that
4 it's okay for her to work remotely if she needs to work
5 remotely, and that she can have private conversations -- if
6 she needs to have private meetings, they can be conducted at
7 One Delaware, where she doesn't have to go to 40 Lowell.

8 Q. Wait, I'm sorry, why was there a discussion about
9 her working remotely?

10 A. She had asked me.

11 Q. And why did she ask you to work remotely?

12 MS. ZACCARDELLI: Objection to form.

13 THE WITNESS: I can answer?

14 Q. Yes.

15 MS. ZACCARDELLI: You can answer, yep.

16 A. It was in the winter, and she said because of icy
17 conditions, it's hard for her to get around, and that she
18 made an agreement with Dan that if the weather was poor, that
19 she'd be able to work remotely. And I said that's fine.

20 Q. Okay. But did you discuss with her her request --
21 her request or Dan's request for reasonable accommodation
22 with regard to where the IT office was located at 40 Lowell
23 Road?

1 Mr. Moore and Mr. Watkins were aware that Mr. Lieber had
2 previously requested reasonable ADA accommodation for Beth
3 Anne Collopy at One Delaware Drive, which were provided in
4 early October 2020; specifically, dual handrails on either
5 side of a single step raised landing in the middle of the
6 building.

7 Did you recall that request for reasonable
8 accommodation with regard to the One Delaware Drive property?

9 A. That request wasn't made through me. I know that
10 it was done. It was completed.

11 Q. Did you know that -- did you know from Scott
12 Watkins that the request had been made?

13 A. I'm not sure how I found out.

14 Q. Okay. But you knew that one was granted, correct?

15 A. Correct.

16 Q. Paragraph 27 says that you told Dan that Beth Anne
17 was not responsible for performing any work at 40 Lowell
18 Road. Is that true?

19 A. In not that harsh of words, yes.

20 Q. So you did say that to Dan, and then did Dan
21 respond that what you had said was untrue?

22 A. I believe we had a discussion about it. I don't
23 know if "untrue" was the word.

1 Q. And what was done about the issues that she raised?
2 Did you -- did the company ever investigate her allegations?

3 A. Yes, it did. We did.

4 Q. Who investigated the allegations?

5 A. Scott Watkins.

6 Q. So Scott Watkins was the investigator. Did he
7 write up a report after he finished his investigation?

8 A. I believe so, yes.

9 Q. He wrote a written report and gave -- and did he
10 give you a written report?

11 A. I don't recall reading it.

12 Q. Did he meet with you and tell you what the
13 conclusions were that he had reached after doing his
14 investigation into Beth Anne's claim of gender discrimination
15 and sexual harassment?

16 MS. ZACCARDELLI: Objection to the form.

17 A. Scott and I spoke about it after.

18 Q. And what did Scott tell you that his conclusions
19 were?

20 A. All I can -- I remember him just saying that he met
21 with the two other females in the IT department, and that
22 neither one of them feel like they're being discriminated
23 against. That's all I can remember.

1 talking about like --

2 A. March, April --

3 Q. -- right before or around the time of COVID?

4 A. It would have been March or April of 2020.

5 Q. Okay. And where did that meeting take place?

6 A. That was in Dan's office.

7 Q. Okay. In what building?

8 A. One Delaware.

9 Q. Okay. And tell me about that meeting. What
10 happened at that meeting?

11 A. I just recall telling Dan that I'm tired of getting
12 complaints about him and that, once again, he needs to be
13 more customer service oriented and be part of the team, and I
14 don't want to get any more -- any more complaints about him.

15 Q. What did Dan say?

16 A. I don't recall the specifics. I think he just
17 said --

18 Q. Did he say anything?

19 A. Not that I recall.

20 Q. So you said to him you were tired of getting
21 complaints about him. You didn't want any more complaints
22 about him. You wanted him to be more customer service
23 oriented. And Dan literally said nothing in response?

1 gone?

2 A. She said that she -- she doesn't think that Dan is
3 qualified for that role, and that's all I can remember.

4 Q. Didn't she tell you the meeting had gone well?

5 A. I don't recall.

6 Q. So you don't believe she told you that the meeting
7 had gone well?

8 A. I just said I don't recall if she said the meeting
9 went well.

10 Q. Okay. And then what was the next thing that
11 happened with respect to either Melissa Marquis or Dan Lieber
12 after she met with him on November 6th?

13 A. Can you rephrase that question?

14 Q. Sure. What happened -- what happened with respect
15 to Dan Lieber or Melissa Marquis after their meeting on the
16 6th?

17 A. That's when -- around the time Jon Marquis called
18 me to say, he once again asked about my exit plan. And he
19 told me that he wants to terminate Dan Lieber.

20 Q. What did you say?

21 A. "Okay. Let me work with Scott."

22 Q. Okay. And when you told him that you -- "let me
23 work with Scott," what did that mean? It meant you went and